

S.R. 204 - By Edwards: Extending congratulations to the City of Waco on "Waco Day," March 6, 1989.

S.R. 209 - By Glasgow: Extending congratulations to Beulah Brown of Stephenville on being named Woman of the Year.

S.R. 213 - By Glasgow: Commending the dedication and commitment of Georgia Scott to the schoolchildren of Texas.

S.R. 217 - By Johnson: Commending Bill Nelson for his energetic and productive public service.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:47 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(March 6, 1989)

S.C.R. 53
S.B. 223

TWENTY-THIRD DAY (Tuesday, March 7, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Absent-excused: Washington.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Father, this morning we offer our thanks for the opportunities this unlived day will bring. May each Member begin this work session with renewed will and dedication for its duties and its privileges. To those who lead, give the additional skill and stamina required for the leadership positions. May their work be acknowledged and appreciated. In Jesus' name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Washington was granted leave of absence for today on account of important business on motion of Senator Brooks.

GUESTS PRESENTED

The President introduced his distinguished guests, Dr. and Mrs. Reinhard Schweppe.

Dr. Schweppe, Counselor, Federal Republic of Germany, addressed the Senate.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 120

H.C.R. 130

REPORTS OF STANDING COMMITTEES

Senator Montford submitted the following report for the Committee on State Affairs:

S.B. 30

S.B. 102

C.S.S.B. 541

C.S.S.B. 282

Senator Bivins, Acting Chairman, submitted the following report for the Committee on Jurisprudence:

S.B. 309

C.S.S.B. 138

MESSAGE FROM THE HOUSE

House Chamber
March 7, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 404, Relating to the designation of April 9 as "Former Prisoners of War Recognition Day".

H.C.R. 80, Recognizing April 9-15 as Archaeology Awareness Week.

H.C.R. 57, Designating March 17, 1989, as Texas Energy Education Day.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 56 by Barrientos

State Affairs

Designating the State Capitol as an official "Safe Place" under Project Safe Place for runaway youth.

- S.C.R. 57** by Uribe Administration
Granting the National Hispanic Institute permission to use the Chambers of the Texas Senate and House of Representatives on August 2-4, 1989, for the Eighth Annual Lorenzo de Zavala Youth Legislative Session.
- S.C.R. 58** by Haley Jurisprudence
Granting the Alabama-Coushatta Indian Tribe of Texas permission to sue the State of Texas and the Texas Indian Commission.
- S.J.R. 34** by Armbrister State Affairs
Proposing a constitutional amendment relating to the authority of the legislature to provide by general or special law for the creation, establishment, maintenance, and operation of a hospital district.
- S.B. 867** by Krier Criminal Justice
Relating to a requirement that persons convicted of certain offenses reimburse the victims of those offenses for psychological counseling as a condition of probation or release on parole or mandatory supervision.
- S.B. 868** by Krier Jurisprudence
Relating to jury lists for justice courts.
- S.B. 869** by Leedom State Affairs
Relating to expedited filing, indexing, of a document by the secretary of state.
- S.B. 870** by Leedom, Bivins State Affairs
Relating to plans regarding the methods by which state agencies satisfy their needs for space.
- S.B. 871** by Armbrister State Affairs
Relating to the issuance of a license to carry a concealed handgun; providing penalties.
- S.B. 872** by Caperton Finance
Relating to the transfer of a certain amount of unencumbered state revenue to the economic stabilization fund.
- S.B. 873** by Caperton Education
Relating to the Texas Engineering Experiment Station.
- S.B. 874** by Caperton Jurisprudence
Relating to supreme court rulemaking in certain actions.
- S.B. 875** by Caperton Finance
Relating to the exercise of state budget execution powers.
- S.B. 876** by Armbrister Economic Development
Relating to the regulation of certain athlete agents.
- S.B. 877** by Caperton State Affairs
Relating to the requirement of a training certificate for state agency administrative hearing officers and to the establishment of an Administrative Hearing Officer Training School at Texas A&M University.
- S.B. 878** by Caperton Finance
Relating to the authorization for a student recreational sports fee at institutions within the Texas A&M University System.
- S.B. 879** by Armbrister State Affairs
Relating to the disposition of certain traffic fines.

S.B. 880 by Caperton State Affairs
Relating to the use of state contributions for life, accident, and health coverage premiums under employee insurance programs of state government and state institutions of higher education.

S.B. 881 by Caperton Finance
Relating to amending Section 54.507, Texas Education Code, to increase the maximum group hospital fees levied and collected by the Board of Regents of The Texas A&M University System for Texas A&M University.

S.B. 882 by Edwards Health and Human Services
Relating to the membership of the Texas Board of Licensure for Nursing Home Administrators.

S.B. 883 by Uribe Criminal Justice
Relating to the punishment, sentencing, and availability of parole or mandatory supervision for a person convicted of certain repeat felony offenses.

S.B. 884 by Parmer Health and Human Services
Relating to the regulation of the care and treatment of animals in riding stables; providing a penalty.

S.B. 885 by Parmer Health and Human Services
Relating to the regulation of the care and treatment of animals in commercial kennels; providing criminal penalties.

S.B. 886 by Whitmire State Affairs
Relating to exempting certain driver education vehicles from the Certificate of Title Act.

S.B. 887 by Whitmire Intergovernmental Relations
Relating to the exclusion of certain property owners and their property from assessment proceedings for street improvements and to the release of certain assessment liens.

S.B. 888 by Whitmire Health and Human Services
Relating to the sterilization of dogs and cats adopted from an animal pound, shelter, or humane organization; providing a penalty.

S.B. 889 by Whitmire Intergovernmental Relations
Relating to the determination of fair market value for certain real property interests dedicated or conveyed by a political subdivision.

S.B. 890 by Whitmire State Affairs
Relating to death benefits paid to the survivors of law enforcement officers killed in the performance of duty.

S.B. 891 by Whitmire Intergovernmental Relations
Relating to membership and credit in, benefits from, and administration of; public retirement systems for fire fighters in certain municipalities.

S.B. 892 by Brown State Affairs
Relating to the establishment of a committee for the purpose of funding, designing, and constructing a memorial for peace officers on the grounds of the State Capitol.

S.B. 893 by Barrientos Intergovernmental Relations
Relating to the selection of members of fire fighters' and police officers' civil service commissions.

- S.B. 894** by Montford Finance
Relating to state aid for counties that provide secure, residential care facilities for certain delinquent children; making an appropriation.
- S.B. 895** by Harris, Edwards, Johnson, Education
Leedom, Parmer, Santiesteban, Washington
Relating to admissions to and programs at The University of Texas at Dallas.
- S.B. 896** by Harris Economic Development
Relating to the regulation and taxation of coin-operated machines and their display.
- S.B. 897** by Montford State Affairs
Relating to the administration of deferred compensation plans for employees of state agencies, counties, cities, towns, or other political subdivisions.
- S.B. 898** by Montford State Affairs
Relating to deferred compensation plans, the federal income tax treatment of which is governed by Section 457 of the Internal Revenue Code, for employees of state agencies, counties, municipalities, school districts, and political subdivisions and to appropriations.
- S.B. 899** by Montford State Affairs
Relating to deferred compensation plans, the federal income tax treatment of which is governed by Section 401(k) of the Internal Revenue Code, for employees of state agencies, counties, municipalities, school districts, and political subdivisions and to making an appropriation.
- S.B. 900** by Montford Criminal Justice
Relating to the reimbursement for expenses for certain witnesses in criminal cases.
- S.B. 901** by Montford Criminal Justice
Relating to the establishment of a state witness protection program and the imposition of a fee on certain criminal convictions to fund the operation of the program.
- S.B. 902** by Montford Criminal Justice
Relating to the disposition of property purchased by a law enforcement agency from a person investigated by the law enforcement agency as part of an investigation into illegal sales of stolen property.
- S.B. 903** by Montford Criminal Justice
Relating to the offense of illegal investment under the Texas Controlled Substances Act.
- S.B. 904** by Montford Criminal Justice
Relating to the offense of going into a secured area in an airport with a weapon.
- S.B. 905** by Montford Criminal Justice
Relating to the disposition of abandoned or unclaimed property and property seized under the Texas Controlled Substances Act by a law enforcement agency.
- S.B. 906** by Montford Jurisprudence
Relating to a durable power of attorney for health care.
- S.B. 907** by Armbrister State Affairs
Relating to the creation, administration, powers, duties, operation, and financing of hospital districts; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.
- S.B. 908** by Whitmire Jurisprudence
Relating to the interlocutory appeal by officers and employees of the state or a political subdivision of the state of certain orders.

- S.B. 909** by Lyon Criminal Justice
Relating to certain procedures regarding arrest without a warrant.
- S.B. 910** by McFarland Economic Development
Relating to the charging of amounts for nonfiling insurance in connection with certain loans and transactions.
- S.B. 911** by McFarland, Armbrister, Health and Human Services
Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Glasgow, Green,
Haley, Henderson, Johnson, Krier, Parmer, Ratliff, Sims, Tejeda, Truan,
Uribe, Washington, Whitmire, Zaffirini
Relating to coverage of chemical dependency under certain health insurance,
prepaid health plans, and self-funded and self-insured health plans.
- S.B. 912** by McFarland State Affairs
Relating to insurance or collateralization requirements for funds maintained by
state agencies outside the state treasury; providing penalties.
- S.B. 913** by Parmer, Barrientos Education
Relating to child care provided by public schools and to the creation of the school
child care services fund.
- S.B. 914** by Parmer Finance
Relating to the composition of the board of directors in certain appraisal districts.
- S.B. 915** by Tejeda Criminal Justice
Relating to the effect of a reversal in a capital case by the Court of Criminal Appeals
on the basis of an error in the punishment stage of the case.
- S.B. 916** by Tejeda Criminal Justice
Relating to the offense of evading arrest or detention.
- S.B. 917** by Tejeda Criminal Justice
Relating to the definition of "peace officer" for the purposes of the Penal Code.
- S.B. 918** by Tejeda Economic Development
Relating to the regulation of bingo and the taxation of receipts from bingo.
- S.B. 919** by Green Economic Development
Relating to a preference for Texas and American steel and steel products in public
purchasing.
- S.B. 920** by Green Jurisprudence
Relating to judges of the statutory probate courts being magistrates.
- S.B. 921** by Green Education
Relating to residence of inmates of the Texas Department of Corrections for
educational purposes.
- S.B. 922** by Green State Affairs
Relating to the selection of the chairman of a political party's county executive
committee.
- S.B. 923** by Green Health and Human Services
Relating to a requirement that each hospital provide certified interpreters to assist
hearing impaired patients.
- S.B. 924** by Carriker Jurisprudence
Relating to the duty of the court to order income withholding from earnings for
child support.

S.B. 925 by Carriker Relating to recording a judgment or an abstract of judgment.	Jurisprudence
S.B. 926 by Carriker Relating to establishment of a lien.	Jurisprudence
S.B. 927 by Carriker Relating to the municipal courts of record in Wichita Falls.	Intergovernmental Relations
S.B. 928 by Barrientos Relating to faculty representation on the governing boards of certain institutions of higher education.	Education
S.B. 929 by Haley Relating to the use of a facsimile signature and seal by the Texas Employment Commission.	Economic Development

GUEST PRESENTED

Senator Caperton was recognized and presented Dr. Stephen D. Benold of Georgetown.

Dr. Benold, participating for his fourth legislative session in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

CO-AUTHOR OF SENATE BILL 700

On motion of Senator Lyon and by unanimous consent, Senator Green will be shown as Co-author of **S.B. 700**.

SENATE BILL 697 REREFERRED

On motion of Senator Caperton and by unanimous consent, **S.B. 697** was withdrawn from the Committee on Finance and rereferred to the Committee on Natural Resources.

SENATE BILL 430 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 430, Relating to the establishment of rates and charges to be assessed by motor bus companies; providing penalties.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 430 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 430** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Johnson.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

MESSAGE FROM THE HOUSE

House Chamber
March 7, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 451, Relating to an emergency appropriation to the Pecos River Compact Commission for the payment of certain professional services.

H.B. 190, Relating to an exemption from certain fee increases for psychological associates.

H.B. 337, Relating to the membership of the Cameron County Juvenile Board.

H.B. 387, Relating to the powers of the Hopkins County Hospital District.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**MOTION TO PLACE COMMITTEE SUBSTITUTE
SENATE BILL 413 ON SECOND READING**

Senator Harris moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 413** be taken up for consideration at this time:

C.S.S.B. 413, Relating to the form and effect of a loan agreement.

On motion of Senator Harris and by unanimous consent, the motion to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution was withdrawn.

**COMMITTEE SUBSTITUTE
SENATE BILL 395 ON SECOND READING**

On motion of Senator Krier and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 395, Relating to the clarification of orders, decrees, and judgments not specific enough to be enforced by contempt in suits affecting the parent-child relationship.

The bill was read second time.

Question - Shall the bill be passed to engrossment?

SENATE BILL 96 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 96, Relating to foreign exchange teachers.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 96 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 96** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 200 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 200, Relating to the composition of the juvenile board of Cameron County.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 200 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 200** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 140 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 140, Relating to avoidance of liability by correction of certain violations of state credit law.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Lyon asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 140 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 140 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Lyon.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

**MOTION TO PLACE COMMITTEE SUBSTITUTE
SENATE BILL 213 ON SECOND READING**

Senator Glasgow moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 213 be taken up for consideration at this time:

C.S.S.B. 213, Relating to the right to counsel of a person called to testify before a grand jury; providing penalties.

The motion was lost by the following vote: Yeas 23, Nays 7. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Barrientos, Bivins, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Haley, Harris, Henderson, Johnson, Krier, Lyon, McFarland, Parker, Santiesteban, Sims, Tejeda, Truan, Uribe, Zaffirini.

Nays: Brooks, Green, Leedom, Montford, Parmer, Ratliff, Whitmire.

Absent-excused: Washington.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Caperton and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Finance might consider S.B. 872 at 1:30 p.m. tomorrow.

MEMORIAL RESOLUTIONS

S.R. 220 - By Carriker: In memory of Jerry Schuchert of Stamford.

S.R. 226 - By Bivins: In memory of Kathrine Kirk Wilson of Amarillo.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 57 - (Ratliff): Designating March 17, 1989, as Texas Energy Education Day.

H.C.R. 113 - (Barrientos): Commending Janet Reed for her service in providing potted plants for state office buildings and extending best wishes on her 10th anniversary as a state employee.

S.C.R. 55 - By Barrientos: Commending the elementary art students in the Austin Independent School District and their teachers during the month of March, designated as Youth Art Month throughout the nation.

S.R. 218 - By Caperton: Extending congratulations to Mr. and Mrs. Rollin Baker on their 50th wedding anniversary.

S.R. 219 - By Caperton: Extending congratulations to Miss Ella Yeager on her 100th birthday.

S.R. 221 - By Ratliff: Extending welcome to Jennifer B. "Buffy" Cromwell and the other campus leaders attending the 35th Annual Convention of the Texas-Oklahoma District of Circle K.

S.R. 224 - By Barrientos: Extending congratulations to the Austin Saengerrunde Damenchor on its 30th anniversary.

S.R. 225 - By Sims: Expressing high regard and sincere gratitude to Cecile and Chesley McDonald of Sterling City for many years of service to the common good.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:18 p.m. adjourned until 11:00 a.m. tomorrow.

TWENTY-FOURTH DAY (Wednesday, March 8, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Parmer.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Heavenly Father, we assemble this morning with a prayer that this will be a day of progress and accomplishment. Grant to each of us grace for the temptations of the day and forbid that we would be careless or indifferent in our dealings with others. On this day bless the work of the Senate. In Jesus' name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Parmer was granted leave of absence for today on account of important business on motion of Senator Brooks.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 57
H.C.R. 113